

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MORGAN PERRY, et al.,	:	Case No. 3:17-cv-161
	:	
Plaintiffs,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
KRIEGER BEARD SERVICES, LLC, et al.,	:	
	:	
Defendants.	:	
	:	

AUNSHAWN HENDERSON, on behalf of himself and all others similarly situated,	:	Case No. 3:18-cv-6
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
KRIEGER BEARD SERVICES, LLC,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER CONSOLIDATING CASES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 42(a)**

Pursuant to Federal Rule of Civil Procedure 42(a), the Court may consolidate actions before it that involve a common question of law or fact. In *Perry v. Krieger Beard Services, LLC, et al.*, Case No. 3:17-cv-161, and *Henderson v. Krieger Beard Services, LLC*, Case No. 3:18-cv-6, the Plaintiffs allege that Defendant Krieger Beard Services, LLC (“Krieger Beard”) employed them as satellite installation technicians—although Krieger Beard classified them as independent contractors—and failed to pay them the overtime compensation to which they were entitled. The legal questions raised by these allegations are nearly identical in each case. The *Perry* case raises

additional questions because it names additional Defendants, but the similarities between the cases far outnumber the differences. Consolidation of the two cases is therefore warranted under Federal Rule of Civil Procedure 42. Accordingly, Case Nos. 3:17-cv-161 and 3:18-cv-6 are **CONSOLIDATED** for all purposes and further filings in both cases shall be made in Case No. 3:17-cv-161.

The Court recently granted conditional certification of a class of technicians in both *Perry* and *Henderson*. Now that the cases are consolidated, the Court orders the Plaintiffs in each case to work together to draft a single class definition and notice to putative opt-in plaintiffs consistent with the Court's Orders granting conditional certification. Once Plaintiffs have agreed upon a notice, they are ordered to provide it to Defendants for their review and approval. If the parties are unable to agree upon a notice, they must promptly bring any issues to the Court's attention. The parties should not raise issues that have already been ruled upon in either of the cases, however, and are strongly encouraged to work out any issues without the Court's intervention.

DONE and **ORDERED** in Dayton, Ohio, this Monday, July 2, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE